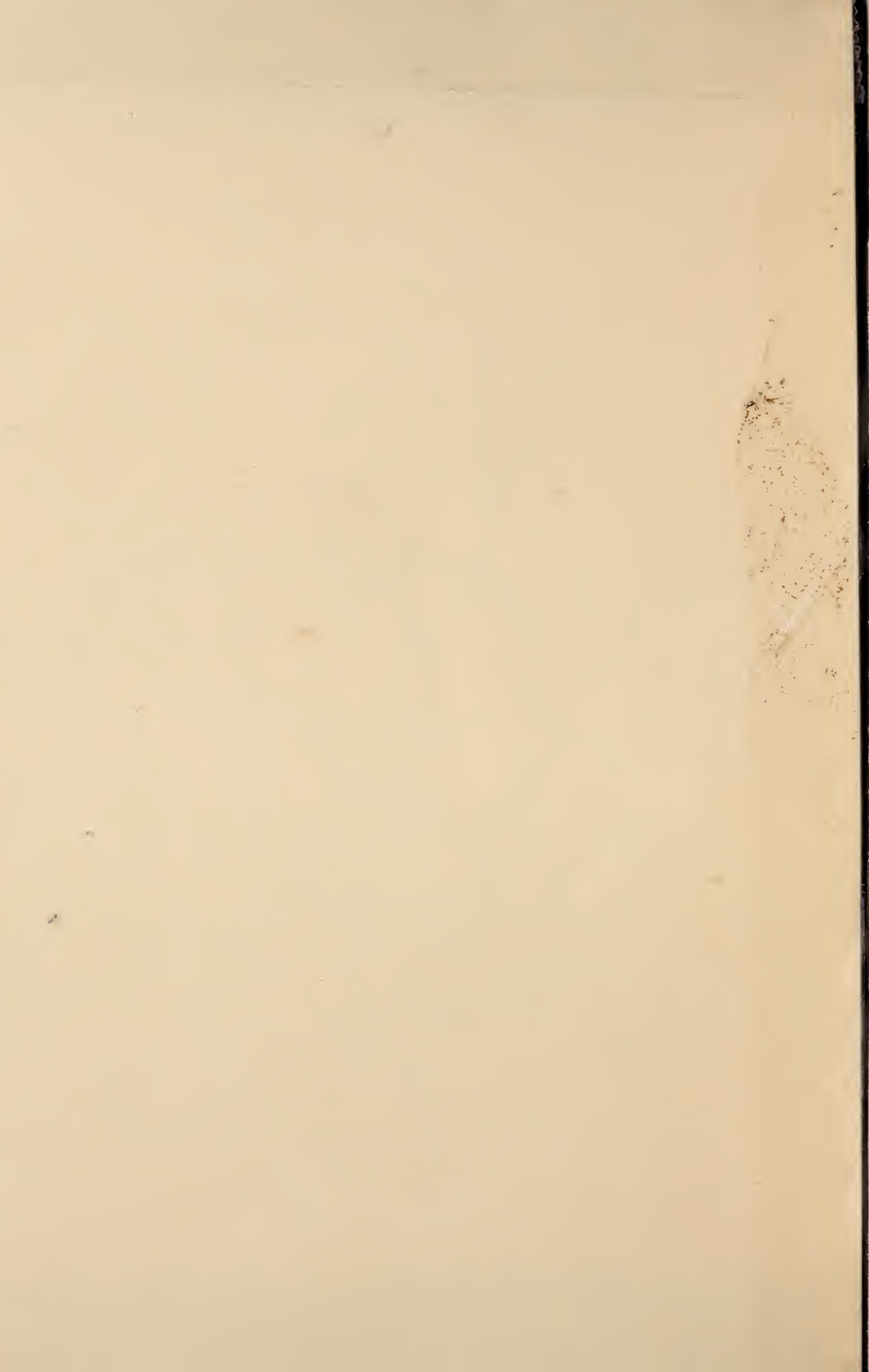


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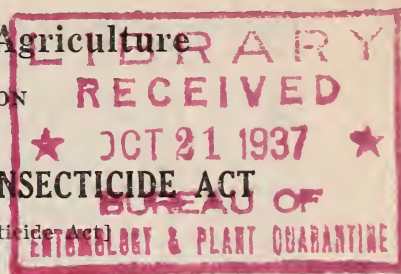
United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1526-1550



[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 4, 1937]

1526. Misbranding of oil emulsion. U. S. v. Marshall Products, Inc. Plea of nolo contendere. Fine, \$50 and costs. (I. & F. no. 1944. Sample no. 75764-B.)

This product contained an inert ingredient and the label failed to bear a statement declaring its presence.

On November 11, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marshall Products, Inc., St. Louis, Mo., alleging shipment by said company on or about March 5, 1936, from the State of Missouri into the State of Illinois of a quantity of oil emulsion, which was a misbranded insecticide other than paris green and lead arsenate within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, water, and the name and percentage amount of said inert substance or ingredient were not stated plainly and correctly on the label borne on the drums containing the article; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the label.

On December 7, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

1527. Misbranding of Jol. U. S. v. 3 Cases and 150 Packages of Jol. Default decrees of condemnation and destruction. (I. & F. no. 1686. Sample nos. 58940-A, 69219-A.)

The labeling of this product bore false and misleading representations regarding its alleged disinfectant properties and the quantity of contents of the containers.

On February 26 and March 22, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3 cases and 150 packages of Jol at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce in part on or about January 20, 1934, and in part on or about February 21, 1934, by the American Progress Co., Inc., from Pleasantville, N. J., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged to be misbranded in that the following statements borne on the carton, "Disinfectant, Germicide * * * For Washing, Polishing and Disinfecting in one operation, China, Glass, Silver and All Other Metals, Woodwork, Kitchen Utensils, etc. * * * Directions—To make standard solution—Dissolve from one to two tablespoonfuls of Jol in one pint of very hot water; then add cold water to make one gallon of tepid solution Net 5 ozs.", were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that when used as directed, it would act as a disinfectant and that each of the cartons contained 5 ounces of the article; whereas the article when used as directed, would not act as a disinfectant and each of the said cartons did not contain 5 ounces of the article but did contain a less amount.

On January 18 and 20, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1528. Misbranding of concentrated lime-sulphur solution. U. S. v. Mechling Bros. Chemical Co. Plea of guilty. Fine, \$100. (I. & F. no. 1838. Sample nos. 24168-B, 24194-B.)

Sample cans taken from each shipment of this product were found to contain less than 1 quart, the volume declared on the label.

On November 19, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mechling Bros. Chemical Co., a corporation, Camden, N. J., alleging shipment by said company on or about February 20 and April 2, 1935, from the State of New Jersey into the State of Pennsylvania of quantities of concentrated lime-sulphur solution, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements "1 U. S. Quart 32 Fluid Ozs.", borne on the can label, were false and misleading and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since they represented that each of the cans contained one U. S. quart or 32 fluid ounces of the article; whereas each of the cans contained less than that amount.

On March 2, 1937, a plea of guilty was entered on behalf of the defendant and on March 18, 1937, a fine of \$100 was imposed by the court.

M. L. WILSON, *Acting Secretary of Agriculture.*

1529. Adulteration and misbranding of liquor cresolis compositus and misbranding of Good's Dog Soap. U. S. v. James Good, Inc., and John J. Cram. Pleas of nolo contendere. Judgments of guilty. James Good, Inc. fined \$300. John J. Cram placed on probation under suspended sentence. (I. & F. no. 1864. Sample nos. 4013-B, 4503-B, 4663-B.)

This case covered, among other products, one lot of liquor cresolis compositus in which oil other than linseed oil had been substituted for linseed oil, a constituent prescribed by the United States Pharmacopoeia; also two lots of Good's Dog Soap the labeling of which contained false and misleading claims regarding its alleged effectiveness in the treatment of mange.

On March 11, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James Good, Inc., a Delaware corporation trading at Philadelphia, Pa., and John J. Cram, factory superintendent of said corporation, alleging shipment by said defendants in violation of the Insecticide Act of 1910 on or about August 3, 1934, from the State of Pennsylvania into the State of Alabama of a quantity of liquor cresolis compositus that was adulterated and misbranded; and on or about September 11, 1933 and March 27, 1934, from the State of Pennsylvania into the State of Maryland and the District of Columbia, of quantities of Good's Dog Soap that was misbranded.

The liquor cresolis compositus was alleged to be adulterated in that the statement on the label, "Liquor Cresolis Compositus, U. S. P.", represented that its standard and quality were such that it contained the ingredients specified for liquor cresolis compositus as prescribed by the United States Pharmacopoeia; whereas its strength and purity fell below the professed standard and quality under which it was sold since it did not contain the ingredients prescribed for liquor cresolis compositus, but another oil had been substituted in part for linseed oil. Adulteration was alleged for the further reason that an oil other than linseed oil had been substituted for linseed oil.

Misbranding of the liquor cresolis compositus was alleged in that the statement "Liquor Cresolis Compositus, U. S. P." was false and misleading and by reason of said statement, the article was labeled so as to deceive and mislead the purchaser, since it represented that the article contained the ingredients and the proportions of the ingredients specified for liquor cresolis compositus in the United States Pharmacopoeia; whereas it did not, but an oil other than linseed oil had been substituted in part for linseed oil, one of the ingredients specified for the product in the said pharmacopoeia.

Misbranding of Good's Dog Soap was alleged in that the following statements, (carton) "Good's Dog Soap will be effective in the treatment of the superficial varieties of Mange * * * In exceptionally bad cases it is advisable to repeat the operation on following day; guaranteed to yield with this treatment", (circular) "Cures Mange * * * Effective in the treatment of superficial varieties of Mange", were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that when used as directed, it would act as an effective treatment for all varieties of mange, indicated by the statements

"superficial varieties of mange", "cures mange", "in exceptionally bad cases"; whereas the article when used as directed, would not act as effective treatment for all varieties of mange indicated by said statements.

The information also charged violations of the Food and Drugs Act reported in notice of judgment No. 26776 published under that act. On January 15, 1937, pleas of *nolo contendere* were entered on behalf of the defendants. Judgments of guilty were entered and James Good, Inc., was sentenced to pay a fine of \$300 for violation of both acts, John J. Cram was given a suspended sentence and placed on probation for 1 year.

M. L. WILSON, *Acting Secretary of Agriculture.*

1530. Adulteration and misbranding of Occo Dry Dip. U. S. v. Oelwein Chemical Co., Inc. Plea of guilty. Fine, \$100 and costs. (I. & F. no. 1891. Sample nos. 52525-B, 54764-B.)

This product contained a smaller proportion of sodium fluoride and a larger proportion of inert ingredients than represented on the label and its composition differed in other respects from that declared on the label. The labeling also bore false and misleading claims regarding the alleged effectiveness of the article for the purposes for which animals are dipped and as a disinfectant and as a control for lice, mites, and certain other insects.

On April 14, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Oelwein Chemical Co., Inc., Oelwein, Iowa, alleging shipment by said company on or about October 19, 1935, from the State of Iowa into the State of Illinois of quantities of Occo Dry Dip, which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, "Sodium Fluoride .65% Inter (sic) ingredients 54.35%"; whereas it contained sodium fluoride in a proportion less than 0.65 percent and contained inert ingredients in a proportion greater than 54.35 percent.

It was alleged to be misbranded in that the following statements, "Ingredients Naphthalene 30.00% Tobacco 13.25% Sulphur 1.75% Sodium Fluoride .65% Inter. Ingredients 54.35%", borne on the label, were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser, since they represented that it consisted of naphthalene, tobacco, sulphur, and sodium fluoride as its active ingredients, that it contained not less than 0.65 percent of sodium fluoride and not more than 54.35 percent of inert ingredients; whereas it did not consist of naphthalene, tobacco, sulphur, and sodium fluoride only as its active ingredients, but did consist of naphthalene, nicotine, sulphur, phenol, and sodium fluoride as its active ingredients, and it contained a smaller proportion of sodium fluoride and a larger proportion of inert ingredients than declared. It was alleged to be misbranded further in that the following statements, "Dry Dip * * * Disinfecting Farrowing Pens—After the farrowing pen has been cleaned of dirt, sprinkle Occo Dry Dip in the corners of the pen and over the floor. This will help to reduce the danger of infection of the new born pigs. * * * Disinfecting Cow and Horse Barns Cow and horse barns need disinfecting from time to time. Make a practice of sprinkling Occo Dry Dip in the gutters and through the bedding to keep down infectious diseases. * * * Outside toilets can be kept cleaner and more sanitary by using Occo Dry Dip as a disinfectant * * * Sprinkle Occo Dry Dip in the corners of the pen and over the floor. * * * It will * * * help to control lice on the sow and pigs * * * To treat cattle, hogs or horses for lice, sprinkle Occo Dry Dip lightly along the backbone of the animal. Start treating at the tail and by rubbing the hand toward the animal's head the Occo Dry Dip may be placed at the root of the hair. Treatment along the backbone is all that is necessary in removing lice. Treating Sheep at Shearing Time for Ticks * * * Lambs may be treated by first mixing Occo Dry Dip with an equal amount of slacked wood ashes then dusting this mixture into the wool * * * To keep Mites out of Hens' Nests Clean all straw and dirt from the nests. Sprinkle Occo Dry Dip around the edges of the nest and over the bottom. Fold a paper to fit the bottom and place a strip of folded paper around the edge of the nest, place the straw on the paper. Care must be taken not to give too heavy an application; also make sure that the Occo Dry Dip does not come in contact with the eggs * * * Occo Dry Dip may be sprinkled around garden crops in the early spring to repel squash bugs and cut worms. Dry Dip may be used to repel

moths from woolens and furs during the summer. * * * Ants, cockroaches and other household pests, may be repelled by using Occo Dry Dip freely in cupboards, around sinks and along runways", borne on the label affixed to the pail containing the article, were false and misleading, and by reason of said statements, it was labeled so as to deceive and mislead the purchaser, since it was not a dip and would not be effective for the purposes for which animals are dipped; when used as directed, it would not act as an effective disinfectant for farrowing pens, cow barns, horse barns, and outside toilets; when sprinkled in the corners and over the floors of pig pens, it would not help to control lice on the sows and pigs, and without repeated treatments it would not act as an effective control for lice that infest cattle, hogs, and horses, and sheep ticks on lambs; when used as directed, it would not keep mites out of hens' nests and would not act as an effective insecticide against squash bugs and cutworms, would not repel moths, and would not act as an effective insecticide against ants, cockroaches, and other household pests.

The information charged that the article was misbranded further in violation of the Food and Drugs Act, reported in notice of judgment no. 27239 published under that act.

On April 28, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1531. Adulteration and misbranding of Whiz Roach and Insect Killer, and misbranding of Whiz Concentrated Insectifuge. U. S. v. R. M. Hollingshead Corporation. Plea of guilty. Fine, \$30. (I. & F. no. 1876. Sample nos. 12190-B, 12191-B.)

The Whiz Roach and Insect Killer was mislabeled as to its active and inert ingredients and its alleged effectiveness in the control of insects; the Whiz Concentrated Insectifuge was mislabeled as to its alleged insecticidal effectiveness and as to its alleged nonpoisonous nature.

On April 22, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. M. Hollingshead Corporation, Camden, N. J., alleging shipment by said company in violation of the Insecticide Act of 1910 from Philadelphia, Pa., on or about April 26, 1935, into the State of California of a quantity of Whiz Roach and Insect Killer that was adulterated and misbranded and of a quantity of Whiz Concentrated Insectifuge that was misbranded.

The Whiz Roach and Insect Killer was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Sodium-Fluoride 70% Inert Matter 30%", whereas it contained sodium fluoride in a proportion less than 70 percent and inert matter in a proportion greater than 30 percent.

Misbranding of the Whiz Roach and Insect Killer was alleged in that the statements, "Sodium-Fluoride 70% Inert Matter 30%" and "Whiz Roach and Insect Killer", borne on the can labels, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser since they represented that it contained sodium fluoride in the proportion of not less than 70 percent, that it contained inert matter in the proportion of not more than 30 percent, that it contained sodium fluoride only as an active ingredient and that it would act as an effective insecticide against all insects; whereas the article contained less than 70 percent of sodium fluoride, more than 30 percent of inert matter, it contained another ingredient, namely, sodium silico-fluoride, in addition to sodium fluoride as an active ingredient, and it would not act as an effective insecticide against all insects.

Misbranding of the Concentrated Insectifuge was alleged in that the statements, "Kills * * * Moths * * * and Other Household Insects. * * * We recommend one to five ounces of liquid per five thousand cubic feet of room space, for the extermination of flies, moths and mosquitoes and other flying insects. * * * We advise the use of three ounces of Insectifuge per thousand cubic feet of room space for extermination of roaches, ants, spiders and similar crawling insects", and "Non-poisonous to human beings and animals", borne on the can label were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that when used as directed, it would act as an effective insecticide against moths, all other household insects, all similar crawling insects and would exterminate said insects and that it would be nonpoisonous to human beings and to animals; whereas the article when used as directed,

would not act as an effective insecticide against moths and all other household insects, or against all similar crawling insects, would not exterminate said insects, and would not be nonpoisonous to human beings or to animals.

On January 15, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

1532. Misbranding of Sterilan and of water soluble extract of pyrethrum. U. S. v. American Fluoride Corporation. Plea of guilty. Fine, \$60. (I. & F. no. 1894. Sample nos. 39991-B, 52707-B, 52708-B.)

These products were insecticides that contained inert ingredients not declared on the labels.

On January 27, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Fluoride Corporation, New York, N. Y., alleging shipment by said company on or about November 16, 1935, from the State of New York into the State of Missouri of quantities of Sterilan and of water soluble extract of pyrethrum; and on or about December 5, 1935, from the State of New York into the State of Maryland of a quantity of Sterilan, which products were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The articles were alleged to be misbranded in that they consisted partially of inert substances or ingredients, namely, substances other than sodium silicofluoride, in the case of the Sterilan; and substances other than pyrethrum extract, in the case of the water-soluble extract of pyrethrum, and the name and percentage amount of each inert substance or ingredient present in the articles were not stated plainly and correctly on the labels; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the articles having insecticidal properties, and the total percentages of the inert substances or ingredients so present therein, stated plainly and correctly on the labels.

On March 15, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$60.

M. L. WILSON, *Acting Secretary of Agriculture.*

1533. Adulteration and misbranding of Dr. Hess Hypochlorite Dairy Rinse. U. S. v. 18 Cases of Dr. Hess Hypochlorite Dairy Rinse. Default decree of condemnation and destruction. (I. & F. no. 1896. Sample nos. 62388-B, 62389-B.)

This product contained smaller proportions of calcium hypochlorite and of available chlorine, and a larger proportion of the inert ingredients than declared on the label. The labeling also bore, among other misrepresentations, false and misleading claims regarding the effectiveness of the article as a disinfectant for churns, milking machines, dairy utensils, etc.

On April 17, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of Dr. Hess Hypochlorite Dairy Rinse at Dallas, Tex., alleging that it had been shipped in interstate commerce on or about November 7, 1934 and June 25, 1935, by Dr. Hess & Clark, Inc., from Ashland, Ohio, and that it was adulterated and misbranded in violation of the Insecticide Act of 1910.

It was alleged to be adulterated in that the statements, "Active Ingredient: Calcium Hypochlorite 45% Inert Ingredient: (not over) 55%", and "Dr. Hess Hypochlorite Dairy Rinse is a highly concentrated form of calcium hypochlorite having over 45% available Chlorine", borne on the label, represented that its standard and quality were such as that it contained not less than 45 percent of calcium hypochlorite and not less than 45 percent of available chlorine, and not more than 55 percent of inert ingredients; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it contained calcium hypochlorite and available chlorine in proportions less than declared, and inert ingredients in a proportion greater than declared.

The article was alleged to be misbranded in that the above-quoted statements, borne on the label, were false and misleading in that they represented that it contained not less than 45 percent of calcium hypochlorite, not less than 45 percent of available chlorine, and not less than 55 percent of inert ingredients; whereas it contained calcium hypochlorite and available chlorine in proportions less than declared and inert ingredients in a proportion greater than declared.

It was alleged to be misbranded further in that certain statements borne on the label and contained in a circular shipped with it were false and misleading since said statements represented that it would be an effective disinfectant for milk cans, milk bottles, churns, milking machines, cups, tubes, and pipes, separators, can lids, measures, and other small utensils, bottle fillers, cheese presses, hoops, etc., ice cream freezers, the udder and teats of the cow, hands of the milker, and eggs for hatching; whereas when used as directed, it would not be an effective disinfectant for said purposes.

On January 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1534. Misbranding of Nursery Volek. U. S. v. 36 Cans and 36 Cans of Nursery Volek. Default decrees of condemnation and destruction. (I. & F. nos. 1904, 1905. Sample nos. 53195-B, 66235-B.)

Sample cans taken from each of the two shipments of this product were found to contain less than 1 gallon, the volume declared on the label.

On or about May 18, 1936, the United States attorneys for the Southern District of Florida and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 36 cans of Nursery Volek at Miami, Fla., and 36 cans of the product at Boston, Mass., alleging that it had been shipped in interstate commerce by the California Spray-Chemical Corporation in various shipments on or about February 13, March 11, and March 31, 1936, from Elizabeth, N. J., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement "One Gallon", borne on the label, was false and misleading and by reason of said statement, it was labeled so as to deceive and mislead the purchaser since the cans contained less than 1 gallon of the article.

On July 20 and September 2, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1535. Misbranding of Fumozone. U. S. v. Shulman Chemical Co. Plea of nolo contendere. Judgment of guilty. Fine, \$25. (I. & F. no. 1914. Sample nos. 49941-B, 49942-B.)

The labeling of this product contained false and misleading representations regarding its alleged effectiveness in freshening the air and in keeping certain objects free from contamination. The article also contained inert ingredients that were not declared on the label, as required by law.

On August 19, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shulman Chemical Co., a corporation, Philadelphia, Pa., alleging shipment by said company on or about March 22, 1935, from the State of Pennsylvania into the State of New Jersey of a quantity of Fumozone, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements appearing in the labeling, (carton) "The Perfect Air Sweetener * * * Impart to your surroundings an 'After Rain' Freshness * * * leaves the air * * * fresh", and (circular) "For Telephone—spray Fumozone directly into telephone mouthpiece to keep the instrument free from contamination. The Hairbrush and Comb—have been found the cause of dandruff. Keep them clean and sanitary. Spray with Fumozone after use", were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead purchasers into believing that the article would make the air fresh and when used as directed, would keep telephone instruments, hair brushes, and combs free from contamination; whereas it would not make the air fresh and when used as directed, would not keep telephone instruments, hair brushes, or combs free from contamination.

The article was alleged to be misbranded further in that it consisted partially of an inert substance or ingredient, namely, water, the name and percentage amount of which were not stated plainly and correctly on the bottle label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal)

properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the label.

On January 15, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court found the defendant guilty and imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1536. Misbranding of Togstad's Dip and Disinfectant and Togstad's Perfumed Moth Crystals. U. S. v. Mrs. Vera P. Togstad (The C. I. Togstad Co.). Plea of guilty. Fine, \$10. (I. & F. no. 1923. Sample nos. 62308-B, 68515-B.)

This case involved: (1) A dip and disinfectant the labeling of which bore false and misleading claims regarding its alleged effectiveness as a disinfectant, germicide, and bactericide, as a treatment for superficial mange, and many skin diseases of animals, and as a repellent of flies that attack livestock; (2) perfumed moth crystals the labeling of which bore false and misleading claims regarding their alleged effectiveness in the control of moths.

On December 2, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Vera P. Togstad, trading as the C. I. Togstad Co., Kokomo, Ind., alleging shipment by said defendant in violation of the Insecticide Act of 1910 on or about February 14, 1936, from the State of Indiana into the State of Texas of a quantity of Togstad's Dip and Disinfectant which was a misbranded insecticide and fungicide; and on or about March 11, 1936, from the State of Indiana into the State of Kentucky of a quantity of Togstad's Moth Crystals, which article was a misbranded insecticide.

The dip and disinfectant was alleged to be misbranded in that the following statement borne on the can labels, "Guaranteed by The C. I. Togstad Company, Chemists and Mfg. Pharmacists Kokomo, Indiana Under the Insecticide Act of 1910", was misleading in that it represented that the article complied with the requirements of the Insecticide Act of 1910; whereas it did not comply with all requirements of the Insecticide Act of 1910. It was alleged to be misbranded further in that the following statements borne on the can labels, "Use same strength Togstad's Disinfectant to aid in disinfecting * * * vaults * * * This product by destroying germs and bacteria * * * For Sheep Scab * * * For Cattle and Horses * * * Mange Superficial * * * For dogs, rabbits and other pets * * * Superficial Mange * * * For Hogs * * * Superficial Mange and Many Skin Diseases For Sheep * * * Flies * * * Apply a solution of one part Togstad's Disinfectant to 25 parts water. Repeat as often as necessary. * * * In Stables and Pastures Spray Togstad's Disinfectant with 100 parts of water daily in stables during warm weather to assist in keeping away flies", were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that when used as directed, it would aid in disinfecting vaults and would destroy all germs and bacteria; would act as an effective treatment for all varieties of superficial mange and for many skin diseases of horses, dogs, rabbits, pets, and hogs, and for all varieties of scabs that infest sheep; and would act as a repellent of flies that attack livestock; whereas the article when used as directed, would not aid in disinfecting vaults and would not destroy all germs and bacteria; would not act as an effective treatment for all varieties of superficial mange, or for many skin diseases of horses, dogs, rabbits, pets, and hogs, and for all varieties of scabs that infest sheep; would not act as an effective repellent against flies that attack livestock, nor would it assist in keeping flies away from stables without thoroughly cleansing the stables and removing all breeding places for flies; nor would it be of any value in keeping flies away from pastures.

Misbranding of the moth crystals was alleged in that the following statements borne on the carton label, "Controls Moths * * * Also is excellent for keeping moths away from closets that are opened frequently * * * Do not take chances with your cherished woolens, furs, feathers, rugs and furniture! * * * For Clothing in Closets: A Liberal quantity should be sprinkled in the pockets of all garments and this container should then be placed on the top shelf with the lid open * * * Velour Furniture: Sprinkle a liberal quantity under all cushions. Rugs: Sprinkle underneath about twice monthly. This will tend to perfume the home as well as keep away moths.

* * * Use these crystals * * * where moths are apt to strike", were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it would keep under all conditions moths away from closets or rugs, and would act as an effective control against moths infesting furniture and the several other articles named on the label; whereas the article when used as directed, would not keep under all conditions moths away from closets and rugs; it would not act as an effective control against moths infesting furniture or the several other articles named on the label.

Togstad's Dip and Disinfectant also was charged to be misbranded in violation of the Food and Drugs Act and the Caustic Poison Act, reported in notice of judgment no. 27228 published under the former act, and notice of judgment no. 59 published under the latter act.

On January 9, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10 on all charges.

M. L. WILSON, *Acting Secretary of Agriculture.*

1537. Alleged adulteration and misbranding of Ansbacher's Tar Emulsion. U. S. v. Ansbacher-Hagerstown Chemical Corporation. Case tried before a jury. Verdict of not guilty. (I. & F. no. 1929. Sample no. 62729-B.)

Samples of this product were found to contain mineral oil.

On October 20, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ansbacher-Hagerstown Chemical Corporation, trading at Hagerstown, Md., alleging shipment by said company on or about March 12, 1936, from the State of Maryland into the State of Virginia of a number of drums of Ansbacher's Tar Emulsion, and charging that the article was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged to be adulterated in that the statements, "Tar Emulsion is a straight Tar Oil Emulsion * * * Active Ingredients Coal Tar Creosote Oil 83% Inert Ingredients 17% By volume", borne on the drum label, represented that its standard and quality were such that it consisted of a straight tar-oil emulsion, that it contained an active ingredient, coal-tar creosote oil, in the proportion of not less than 83 percent by volume, and inert ingredients in the proportion of not more than 17 percent by volume; whereas its strength and purity fell below the professed standard and quality under which it was sold since it did not consist of a straight tar-oil emulsion but consisted in part of mineral oil; it did not consist of coal-tar creosote oil in the proportion of 83 percent by volume, but contained a lesser percentage thereof and it contained inert ingredients in a proportion of more than 17 percent.

The article was alleged to be misbranded in that the above-quoted statements, borne on the drum label, were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead the purchaser since they represented that the article consisted of a straight tar-oil emulsion, that it contained an active ingredient, coal-tar creosote oil, in the proportion of not less than 83 percent by volume, and inert ingredients in the proportion of not more than 17 percent; whereas it did not consist of a straight tar-oil emulsion but consisted in part of mineral oil, it did not contain 83 percent by volume of coal-tar creosote oil but did contain a lesser percentage, and it contained more than 17 percent of inert ingredients.

On December 14, 1936, a plea of not guilty was entered on behalf of the defendant. The case was tried before a jury and a verdict of not guilty was returned.

M. L. WILSON, *Acting Secretary of Agriculture.*

1538. Adulteration and misbranding of Garden Nicotine Tendust. U. S. v. The California Spray-Chemical Corporation. Plea of guilty. Fine, \$200. (I. & F. no. 1931. Sample no. 68054-B.)

This product contained a smaller proportion of nicotine alkaloid, the active ingredient, and a larger proportion of inert ingredients than declared on the label.

On October 5, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Spray-Chemical Corporation, trading at Berkeley, Calif., alleging shipment by said company on or about March 11, 1936, from the State of California into the State of Utah of a

quantity of Garden Nicotine Tendust, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "Active Ingredient By Wt. Nicotine Alkaloid 3.6% Inert Ingredients * * * 96.4%", borne on the package label, represented that its standard and quality were such that it contained nicotine alkaloid in the proportion of not less than 3.6 percent, and that it contained inert ingredients in the proportion of not more than 96.4 percent; whereas it contained nicotine alkaloid in a proportion less than 3.6 percent, and inert ingredients in a proportion greater than 96.4 percent.

It was alleged to be misbranded in that the above statements, borne on the package, were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser, since it contained an active ingredient, namely, nicotine alkaloid, in a proportion less than 3.6 percent, and it contained inert ingredients in a proportion greater than 96.4 percent.

On January 16, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

1539. Adulteration and misbranding of Extermite Ant-Termite Powder. U. S. v. John F. Roessler (J. F. Roessler & Son). Plea of nolo contendere. Fine, \$10 and costs. (I. & F. no. 1932. Sample no. 55434-B.)

This product would be injurious to certain vegetation when used as directed; its labeling bore, among other misrepresentations, false and misleading claims regarding its effectiveness in the control of ants, termites, chicken lice, and fleas on animals. The label also failed to bear a correct statement of the active and inert ingredients.

On November 2, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John F. Roessler, trading as J. F. Roessler & Son, South Bend, Ind., alleging shipment by said defendant on or about July 31, 1935, from the State of Indiana into the State of Michigan of a quantity of Extermite Ant-Termite Powder, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that it was intended for use on vegetation and when used thereon as directed, it would be injurious to such vegetation.

It was alleged to be misbranded in that the following statements, borne on the package label, "Extermite Ant-Termite Powder Guaranteed to kill * * * Termites * * * Extermite kills termites (Wood Ants) Best results obtained by using a blow gun. Blow powder freely wherever termites frequent. * * * Guaranteed to kill * * * chicken lice * * * Chicken lice—Sprinkle on nests, cracks, crevices and roosts. * * * Guaranteed to kill * * * Lice on Plants * * * Rose beetles, etc. and insect eggs * * * Will not hurt grass and shrubbery. Bugs, Beetles, Spiders, Lice on Plants and Shrubby—Sprinkle freely on shrubbery, plants. * * * Safe to use Fleas On Animals—Sprinkle and rub into fur of animal. Kills When Others Fail. Passed and Approved Under Pure Food and Drug Act. Non-Poisonous", were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that when used as directed, it would exterminate ants and termites; would kill termites and chicken lice, and that it could be safely used on grass and the foliage of plants; that by a single application it would act as an effective insecticide against fleas on animals; that it was superior to all other products as an insecticide against the insects named on said label; that it had been passed and approved under the Food and Drugs Act and that it was nonpoisonous; whereas the article when used as directed, would not exterminate ants and termites; would not act as an effective insecticide against termites; would not kill termites and chicken lice; it could not be used safely on grass, shrubbery, and the foliage of plants but such use would cause serious injury to grass, shrubbery, and the foliage of plants; it would not act as an effective insecticide against fleas on animals; it was not superior to all other products as an insecticide against the insects named on the label; it had not been passed and approved by the Food and Drugs Act, and it was not nonpoisonous.

The article was alleged to be misbranded further in that it consisted partially of inert substances or ingredients, namely, substances that do not prevent,

destroy, repel, or mitigate insects, and the name and the percentage amounts of each inert substance or ingredient present were not stated plainly and correctly on the package label; nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the label.

On March 6, 1937, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

1540. Misbranding of Arcady Roost Paint. U. S. v. Arcady Laboratories, Inc. Plea of guilty. Fine, \$25 and costs. (I. & F. no. 1936. Sample no. 63129-B.)

The labeling of this product contained misrepresentations regarding its effectiveness as an insecticide against mites, and failed to declare the inert ingredients present in the article.

On October 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Arcady Laboratories, Inc., Chicago, Ill., alleging shipment by said company on or about August 23, October 16, and December 20, 1935, from the State of Illinois into the State of Minnesota of a quantity of Arcady Roost Paint, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Clean roost thoroughly wiping off all dirt and dust and scraping off all lime or whitewash. Just paint the top sides of roosts and cross arms with Arcady Roost Paint, using about one ounce to fifteen feet of roosts. One pint will treat over three hundred feet of roost. For wire bottom coops paint the wire with Arcady Roost Paint. Arcady Roost Paint is sufficiently potent so that one application will last four or five days. * * * We therefore recommend a second application a week later to completely free birds of * * * mites", borne on the can labels, were false and misleading, and by reason of said statements, it was labeled so as to deceive and mislead purchasers, in that they represented that the article when used as directed, would act as an effective insecticide against mites; whereas when used as directed, it would not act as an effective insecticide against mites.

It was alleged to be misbranded further in that it consisted partially of inert substances, namely, water and soap, and the name and percentage amounts of said inert substances or ingredients were not stated plainly and correctly on the label affixed to the cans containing the article; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the label.

The information charged that the product also was misbranded in violation of the Food and Drugs Act, reported in notice of judgment no. 26974 published under that act.

On December 22, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1541. Adulteration and misbranding of calcium arsenate. U. S. v. The J. W. Woolfolk Co., Inc. Plea of guilty. Fine, \$100. (I. & F. no. 1937. Sample no. 63743-B.)

This product contained calcium arsenate and combined arsenic in proportions less than declared, and inert ingredients in a proportion greater than declared. The total amount of arsenic and of arsenic in water-soluble form, expressed as percentum of metallic arsenic, were not stated on the label.

On November 3, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the J. W. Woolfolk Co., Inc., Fort Valley, Ga., alleging shipment by said company on or about January 20, 1936, from the State of Georgia into the State of Florida of a quantity of Security Brand Calcium Arsenate, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled; "Active Ingredients, Calcium Arsenate, Expressed as Tri-Calcium Arsenate Not less than 69.22%; Inert Ingredients Not more than 30.78%; Combined

Arsenic, Expressed as Arsenic Pentoxide, Not less than 40.00%; whereas it contained less than 69.22 percent of calcium arsenate expressed as tricalcium arsenate; it contained combined arsenic, expressed as arsenic pentoxide, in a proportion less than 40 percent, and it contained inert ingredients in a proportion greater than 30.78 percent.

It was alleged to be misbranded in that the above-quoted statements borne on the bags containing it were false and misleading, and by reason of said statements, it was labeled so as to deceive and mislead the purchaser, since it contained calcium arsenate, expressed as tricalcium arsenate, in a proportion less than 69.22 percent; it contained combined arsenic, expressed as arsenic pentoxide, in a proportion less than 40 percent, and it contained inert ingredients in a proportion greater than 39.78 percent. It was alleged to be misbranded further in that it contained arsenic, and the total amount of arsenic present, and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, were not stated on the label.

On May 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

1542. Misbranding of Watkins Louse Killer. U. S. v. The J. R. Watkins Co.
Plea of *nolo contendere*. Fine, \$25. (I. & F. no. 1939. Sample no. 55413-B.)

This product was misbranded because of false and misleading claims in the labeling regarding its alleged effectiveness in the control of lice, fleas, mites, moths, and certain other insects.

On January 26, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the J. R. Watkins Co., trading at Winona, Minn., alleging shipment by said company on or about February 15, 1936, from the State of Minnesota into the State of Illinois of a quantity of Watkins Louse Killer, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the can labels, "Used for killing certain insects, lice, fleas and certain other forms of vermin on poultry, horses, cattle, hogs, dogs and sheep. * * * Progressive farmers and poultry raisers know they cannot make livestock and poultry thrive when blood-sucking lice and certain other forms of parasites sap the animal's vitality. Watkins Louse Killer not only rids your animals of these vermin, but when sprinkled about the walls, floors, barns, shed, roosts and coops, destroys their breeding places. Millions of dollars are lost by farmers, poultry raisers and stock raisers by depredations of certain species of lice, and mites on their sheep, cattle, horses, hogs and poultry. Watkins Louse Killer is an old and tried preparation for the killing of certain species of these vermin. The money spent for it means dollars saved in the greater efficiency of your farm animals. Can also be used on all plants to kill certain species of bugs, worms and slugs. * * * For Certain Bugs and Lice on Plants, Vines, and Rose Bushes. Apply lightly when plants are dry. Also sprinkle on ground beneath plants. Doing so keeps certain insects away. Repels * * * moths. * * * Watkins Louse Killer also repels moths. For this purpose, pack clothes into tight box lined with paper in which Watkins Louse Killer has been sprinkled", were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it would act as an effective insecticide against all varieties of vermin that infest poultry, horses, cattle, hogs, dogs, and sheep and against all varieties of parasites that sap the animal's vitality and against mites that infest sheep, cattle, horses, hogs, and poultry; that it would be effective against many of the common insects that infest plants, vines, rose bushes, and all other plants; and that it would be an effective insecticide against moths under all conditions; whereas the article, when used as directed, would not act as an effective insecticide against all varieties of vermin that infest poultry, horses, cattle, hogs, dogs, and sheep; all varieties of parasites that sap the animal's vitality; or mites that infest sheep, cattle, horses, hogs, and poultry; it would not be effective against many of the common insects that infest plants, vines, rose bushes, and all other plants; nor would it repel moths nor act as an effective insecticide against moths, under all conditions.

On January 26, 1937, a plea of *nolo contendere* was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1543. Adulteration and misbranding of unbolted pyrethrum bed bug powder and misbranding of Fly Hootch. U. S. v. Harvey H. Plowfield (Little Brown Jug). Plea of guilty. Sentence suspended and defendant placed on probation for 2 years. (I. & F. no. 1947. Sample nos. 33404-B, 33405-B.)

This case involved two insecticides: (1) Fly Hootch, the labeling of which bore false and misleading claims regarding its alleged effectiveness in the control of flies and moths and a false and misleading representation that it was nonpoisonous; and (2) a product represented to be a commercial grade of pyrethrum, but which consisted of pyrethrum stems, and which was entirely inert and failed to bear on the label a statement showing the inert ingredient present.

On January 13, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harvey H. Plowfield, trading as the Little Brown Jug, County of Berks, Pa., alleging shipment by said defendant in violation of the Insecticide Act of 1910, on or about March 17, 1936, from the State of Pennsylvania into the State of Michigan of a quantity of unbolted pyrethrum bed bug powder which was adulterated and misbranded, and of a quantity of Fly Hootch which was misbranded.

The beg bug powder was alleged to be adulterated in that it was represented to be unbolted pyrethrum; whereas it was not, but another substance, namely, pyrethrum stems, had been substituted for unbolted pyrethrum. It was alleged to be misbranded in that the statement "Unbolted Pyrethrum Bed Bug Powder", borne on the package label, was false and misleading, and by reason of said statement it was labeled so as to deceive and mislead the purchaser, since said statements represented that the article consisted of a commercial grade of pyrethrum and that it would act as an effective insecticide against bed bugs; whereas it did not consist of a commercial grade of pyrethrum but did consist of pyrethrum stems only, and it would not act as an effective insecticide against bed bugs. It was alleged to be misbranded further in that it consisted completely of an inert substance or ingredient, namely, pyrethrum stems, and the name and percentage amount of the inert substance were not stated plainly and correctly on the package label.

The Fly Hootch was alleged to be misbranded in that the following statements, "Fly Hootch * * * Use This Insecticide For Killing Flies * * * For Flies * * * Spray Freely About The Room In All Directions. Windows And Doors Must Be Left Closed For About Five Minutes. * * * To kill moths, spray in closets or chests. 'Fly Hootch' sprayed lightly will not stain. To protect all articles as well as closets and chests, spray every three or four weeks. * * * Non-Poisonous", borne on the can label, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that when used as directed, it would act as an effective insecticide against flies and moths and that it was nonpoisonous; whereas when used as directed, it would not act as an effective insecticide against flies and moths and it was not nonpoisonous.

On March 22, 1937, the defendant entered a plea of guilty and the court suspended sentence and placed the defendant on probation for 2 years.

M. L. WILSON, *Acting Secretary of Agriculture.*

1544. Misbranding of Sentrocide. U. S. v. Sentry Products Co., Inc. Plea of nolo contendere. Fine, \$5. (I. & F. no. 1948. Sample no. 43619-B.)

The labeling of this product bore false and misleading representations regarding its alleged effectiveness in the control of flies, mosquitoes, ants, and moths.

On November 24, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sentry Products Co., Inc., Boston, Mass., alleging shipment by said company on or about May 14, 1936, from the State of Massachusetts into the State of Rhode Island of a quantity of Sentrocide, a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, "Destroys * * * Flies, Mosquitoes * * * Flies and Mosquitoes are destroyed when sprayed with Sentrocide * * * For protection against Moths, or for the extermination if already existing in * * * upholstered furniture, etc., there is nothing superior to Sentrocide * * * Invaluable for the control of general insect life—Flies * * * ants and their larvae", borne on the can label, were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser, since they repre-

sented that when used as directed, it would act as an effective insecticide against flies and mosquitoes and the larvae of ants and against moths, and that it would exterminate moths in upholstered furniture; whereas when used as directed, it would not be effective for said purposes.

On March 23, 1937, a plea of *nolo contendere* was entered on behalf of the defendant, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

1545. Misbranding of Patterson's Cedarix Tubes. U. S. v. Elva M. Patterson and St. Elmo Bateman (Patterson-Bateman). Pleas of guilty. Fines, \$125. (I. & F. no. 1949. Sample no. 57119-B.)

The labeling of this product bore false and misleading claims regarding its effectiveness in the control of moths.

On December 4, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elva M. Patterson and St. Elmo Bateman, copartners, trading as Patterson-Bateman, Los Angeles, Calif., alleging shipment by said defendants on or about May 13, 1936, from the State of California into the State of Illinois of a quantity of Patterson's Cedarix Tubes, a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Use One Per Garment, Patterson's Cedarix Tubes, For repelling moths from chests, trunks, drawers, blankets, furs, pianos and overstuffed furniture", borne on the label affixed to the tubes containing it, were false and misleading, and by reason of said statements, it was labeled so as to deceive and mislead the purchaser in that they represented that the article when used as directed, would repel moths and would protect blankets, furs, pianos, and overstuffed furniture from moth damage; whereas when used as directed, it would not repel moths and would not protect blankets, furs, pianos, and overstuffed furniture from moth damage.

On December 21, 1936, the defendants each entered a plea of guilty and the court imposed a fine of \$100 on St. Elmo Bateman, and \$25 on Elva M. Patterson.

M. L. WILSON, *Acting Secretary of Agriculture.*

1546. Adulteration and misbranding of Wolcott Brand Chlorinated Lime. U. S. v. Sunlight Chemical Corporation. Plea of guilty. Fine, \$50. (I. & F. no. 1950. Sample no. 6954-C.)

This product contained a smaller proportion of available chlorine and a larger proportion of inert ingredients than declared on the label. It also was labeled with false and misleading representations regarding its alleged effectiveness as a deodorant, germicide, disinfectant, and control for flies.

On December 31, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sunlight Chemical Corporation, Phillipsdale, R. I., alleging shipment by said company on or about May 25 and June 3, 1936, from the State of Rhode Island into the State of Maine of a quantity of Wolcott Brand Chlorinated Lime, which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Available Chlorine not less than 30%, inert ingredients not more than 70%," whereas it contained available chlorine in a proportion less than 30 percent and inert ingredients in a proportion greater than 70 percent.

It was alleged to be misbranded in that the following statements borne on the label, "Available Chlorine, not less than 30%; Inert Ingredients, not more than 70% * * * The use of Wolcott Chlorinated Lime sprinkled in outdoor vaults, piles of stable manure, in garbage receptacles, or on decomposing animal or vegetable matter * * * prevent such matter from attracting flies and effectually prevent their breeding therein, * * * The use of Wolcott chlorinated lime sprinkled dry in outdoor vaults, on piles of stable manure, in garbage receptacles, or on decomposing animal or vegetable matter of all kinds, will not only destroy any germs of diseases that may be present * * * For purifying vaults, water closets, cesspools, drains, cellars, etc. Disinfecting and deodorizing agent * * * For deodorizing and disinfecting indoor closets, outside vaults, garbage receptacles, stable manure, and decaying animal and vegetable matter of all sorts, sprinkle Wolcott chlorinated lime on lightly * * * To use as a liquid disinfectant for ordinary purposes, one ounce of

Wolcott chlorinated lime to a gallon of water will be sufficient. Stir thoroughly to mash the lumps if there are any. Allow to settle and then pour into an old sprinkling can and sprinkle thoroughly", were false and misleading, and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser, since it contained available chlorine in a proportion less than 30 percent, it contained inert ingredients in a proportion greater than 70 percent; when used as directed, it would not prevent outdoor vaults, piles of stable manure, garbage receptacles, or decomposed animal or vegetable matter of all kinds from attracting flies, nor would it prevent their breeding in such places. It would not destroy the germs of disease that might be present in outdoor vaults, piles of stable manure, garbage receptacles, or decomposing animal or vegetable matter of all kinds, it would not purify vaults, water closets, cesspools, drains, cellars, etc.; it would not disinfect indoor closets, outdoor vaults, garbage receptacles, stable manure, decaying animal and vegetable matter of all sorts; and it would not act as a disinfectant for ordinary purposes when sprinkled according to the directions on the label.

On January 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1547. Misbranding of Chloraide. U. S. v. Farmaide Products Co. Plea of nolo contendere. Fine, \$75. (I. & F. no. 1955. Sample no. 49414-B.)

This product was falsely represented to be nonpoisonous and safe; and its label bore false and misleading claims regarding its potency as compared with carbolic acid, and its alleged effectiveness as a disinfectant, germicide, deodorant, and sterilizer, and failed to bear a statement indicating the inert ingredients present.

On February 2, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmaide Products Co., a corporation, trading at Lincoln, Nebr., alleging shipment by said company on or about June 19, 1936, from the State of Nebraska into the State of Missouri of a quantity of Chloraide, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, appearing in the labeling, (bottle) "For Disinfecting Instruments, Utensils, Etc.—Use one teaspoonful to a pint of water. Nipples and Bottles—Should be purified by rinsing in a solution, one tablespoonful to a quart of water—do not wipe. * * * Operating Rooms, Sick Rooms—Wash the floors thoroughly with two tablespoonfuls Chloraide to a gallon of water. Use a cloth frequently rinsed in this solution for the woodwork, walls and furniture", and (circular) "The Safe Antiseptic & Deodorant * * * What Chloraide Is. Chloraide is the most effective germicide known to medical science. While Chloraide is twelve time as potent as carbolic acid in germ killing power, it is nonpoisonous and absolutely safe to have in the home or on the farm. Chloraide is instant death to disease germs, an infallible destroyer of odors, a sterilizer, disinfectant and cleanser. It is used in hospitals, homes, on farms and ranches and wherever a positive, powerful and effective germicidal disinfectant and deodorizer is required. * * * As a sterilizer * * * For disinfecting instruments, utensils, Etc.—Use one tablespoonful to each quart of water and immerse for five minutes. * * * Nipples and bottles—Disinfect by immersing for two minutes in a solution of one tablespoonful to a quart of water; do not wipe. * * * Dilution Chart Uses of Chloraide * * * Milk and Cream cans, pails, ice cream cans, milk and cream bottles, separators, milking machines, refrigerators, churns, vats, cheese molds, pumps, pipes, conduits, floors, walls, woodwork. Chloraide 1 to 2 tablespoonfuls. Water 1 gallon", (booklet) "This powerful germicide, 12 times as strong as carbolic acid, in germ killing power is the most effective of which we know. * * * What Chloraide Is. One of the Most Effective Germicidal Agents Known to Modern Medical Science Absolutely Safe. While Chloraide is twelve times as powerful as carbolic acid as a germicide, it is non-poisonous and absolutely safe to have in your medicine cabinet. Families with children will appreciate this feature of Chloraide, as fatal accidents caused by little tots taking medicine, carbolic acid, bichloride of mercury, and other deadly antiseptics and germicides by mistake are all too frequent. Chloraide is a perfectly safe antiseptic and germicidal deodorant. It is neither poisonous nor caustic when

diluted and can do no harm to human beings, animals or birds, but what it does to bacteria germs is plenty. It is twelve times as potent in germ-killing power as carbolic acid and it is one of the most effective germicidal agents known to medical science. * * * Germ Destroyer * * * Two tablespoonfuls of Chloraide in a gallon of water makes an effective sterilization solution, and it is only in extreme cases that you have to make it any stronger than that. * * * Non-poisonous Contains no poison. Is safe to have around", (shipping container) "Germ Destroyer", were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead purchasers, since when used as directed, it could not be depended upon to act as a disinfectant for instruments, utensils, etc., nipples or bottles, in operating rooms or sick rooms; it was not nonpoisonous; it was not the most effective germicide known; it was not twelve times as potent as carbolic acid in germ-killing power under all conditions; it was not absolutely safe; it would not cause instant death to disease germs; it was not an infallible destroyer of odors; it was not a sterilizer and would not be effective wherever such disinfectant is required; it could not be relied upon to disinfect milk cans and cream cans, pails, ice cream cans, milk or cream bottles, separators, milking machines, refrigerators, churns, tanks, vats, cheese molds, pumps, pipes, conduits, floors, walls or woodwork when used at the dilution of one tablespoonful to each gallon of water; it was not the most effective germicide for the uses specified in the booklet and the circular and on the bottle label; it was not one of the most effective germicidal agents for all purposes; it was not absolutely safe; it would not destroy all germs; it would not make an effective sterilization solution when used in the proportion of two tablespoonfuls of the product to each gallon of water.

The article was alleged to be misbranded further in that it consisted partially of inert substances or ingredients, and the name and percentage amount of each inert substance or ingredient present were not stated plainly and correctly on the bottle label or on the carton containing the bottle; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substances or ingredients present stated plainly and correctly on said bottle labels or cartons.

The information charged that it was misbranded further in violation of the Food and Drugs Act, reported in notice of judgment no. 27231 published under that act. On March 13, 1937, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$75 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1548. Misbranding of Germalene Crystals and Germalene Blockettes. U. S. v. Germalene Chemical Co., Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1962. Sample nos. 73896-B, 73897-B.)

The label on the Germalene Crystals bore false and misleading claims regarding its efficacy as an insecticide and deodorant. The label on the Germalene Blockettes bore false and misleading claims regarding their efficacy in preventing moths.

On January 30, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Germalene Chemical Co., Inc., trading at Houston, Tex. An amended information was filed on March 6, 1937, and a second one on March 25, 1937. The defendant company was charged with shipping on or about January 25, 1936, from the State of Texas into the State of New Mexico, quantities of Germalene Crystals and Germalene Blockettes, which were misbranded insecticides and fungicides within the meaning of the Insecticide Act of 1910.

The Germalene Crystals were alleged to be misbranded in that the statements, "Sprinkled regularly in toilets, urinals, lavatories, locker rooms, dark corridors and clothes closets or wardrobes, these crystals * * * repel destructive insects, roaches, * * * Vermin, insect * * * life can not exist where the powerful fumes of these crystals penetrate. * * * It is a good plan to sprinkle a few crystals now and then around the working mechanism of organs or player pianos to prevent damage to felt parts by moths. * * * A powerful deodorant and insect repellant. Unexcelled for use in lavatories, clothes closets, theatres and furniture", borne on the label affixed

to the packages containing the article, were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser since when used as directed, it would not act as an effective insecticide against "insects, roaches, and vermin"; when used by sprinkling a few crystals of it around the working mechanism of organs and player pianos now and then, it would not prevent damage by moths to felt parts; and it was not a powerful deodorant, it would not repel all insects, and it was not unexcelled for use in lavatories, clothes closets, theaters, and furniture.

The Germaline Blockettes were alleged to be misbranded in that the statements, "Germaline Blockettes For use in urinals, clothes closets, woolen blankets, upholstered furniture, etc., * * * For Moth prevention", borne on the label affixed to each of the packages, were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it would be effective in preventing moths; whereas when used as directed, it would not be effective in preventing moths.

On March 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1549. Misbranding of Paramount Versatile Sterilizer. U. S. v. Paramount Chemical Co. Plea of nolo contendere. Fine, \$25. (I. & F. no. 1966. Sample no. 13312-C.)

The label of this product bore false and misleading claims regarding its effectiveness as a sterilizer and disinfectant and failed to bear a statement of the inert ingredients present.

On February 19, 1937, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Paramount Chemical Co., a corporation, Columbus, Ga., alleging shipment by said company on or about July 29, 1936, from the State of Georgia into the State of South Carolina of a quantity of Paramount Versatile Sterilizer, a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Sterilizer * * * sterilizes * * * Paramount Sterilizer is an ideal cleaner and sterilizer. For general sterilizing of bath tubs, toilet seats, wash basins, and the like, we recommend the use of four to six teaspoonfuls of Paramount Sterilizer per gallon of water. This will result in a three to five per cent solution * * * Wash all floors, benches and stools in dressing rooms, diving boards, out of water portions of ladders or steps, rubber mats, etc., daily with a strong solution of Paramount Sterilizer. Fungus grows on cloth, leather, and damp wood; so that special attention should be paid to sterilization of any wood work with which the feet may come in contact * * * Protects Health", borne on the label affixed to each of the cans, were false and misleading and the article was labeled and branded so as to deceive and mislead the purchaser since the statements represented that the article would act as a sterilizer; that it was an ideal sterilizer, and that it would sterilize and disinfect bath tubs, toilet seats, wash basins and the like, floors, benches, and stools in dressing rooms, diving boards, out of water portions of ladders, steps, rubber mats, etc., fungous growths on cloth, leather, and damp wood when used as directed, and would protect health; whereas when used as directed, it would not act as a sterilizer and was not an ideal sterilizer; it would not sterilize and disinfect the places and things indicated and would not protect health. The article was alleged to be misbranded further in that it consisted partially of inert substances, i. e., substances other than chloramine-T and sodium phosphate, and the name and the percentage amount of each and every inert substance or ingredient present in the article were not stated plainly and correctly on the can label; nor, in lieu thereof, were the names and percentage amounts of each and every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients so present thereon stated plainly and correctly on the can label.

On March 10, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1550. Adulteration and misbranding of Merrimack Chlorine Disinfectant Liquid. U. S. v. Walter H. Huggins (James Huggins & Son). Plea of nolo contendere. Fine, \$10. (I. & F. no. 1968. Sample nos. 6975-C, 66329-B.)

This product contained a smaller percentage of the active ingredient and a larger percentage of inert ingredients than declared on the label, and when used as directed, would not be an effective disinfectant and sterilizer.

On February 23, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Walter H. Huggins, trading as James Huggins & Son at Malden, Mass., alleging shipment by said defendant on or about March 26 and July 2, 1936, from the State of Massachusetts into the State of New Hampshire of quantities of Merrimack Chlorine Disinfectant Liquid, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements "Active Ingredient, Sodium Hypochlorite 5% Inert Ingredients 95%", borne on the jug label, represented that its standard and quality were such that it contained sodium hypochlorite in the proportion of not less than 5 percent and that it contained an inert ingredient or ingredients in the proportion of not more than 95 percent; whereas its strength and purity fell below the professed standard and quality under which it was sold since it contained less than 5 percent of hypochlorite and contained more than 95 percent of inert ingredients.

It was alleged to be misbranded in that the following statements "Active Ingredients, Sodium Hypochlorite 5% Inert Ingredient 95%", borne on the jug labels, were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead the purchaser since it contained sodium hypochlorite in a proportion less than 5 percent and it contained inert ingredients in a proportion greater than 95 percent. The article was alleged to be misbranded further in that the statements, (on the jug label in both shipments) "Chlorine Disinfectant Liquid * * * Directions for Use Farm Dairy Utensils—Rinse in cold water to remove solids. Cleanse with water and washing soda. Just before using rinse inside surfaces and cover with three ounces to four gallons water * * * Poultry Drinking Water—Use One Ounce to each gallon of water in drinking fonts, two ounces in open vessels", (additional statements on jug label of one shipment) "Milk Plant Equipment—First clean with cold water, then wash with warm water and washing powder. Just before using spray interior surfaces of receiving tank, holding vat and exterior surfaces of cooler with solution of four ounces of disinfectant to 5 gallons of water", (blotter accompanying one shipment) "Dairy Use one tablespoonful to one gallon water for washing and rinsing. Poultry To disinfect house and utensils use eight tablespoonfuls to one gallon water. Treat drinking water with one tablespoon to ten gallons water. Household As a sterilizing agent, disinfectant and deodorant in the home use one tablespoonful to one gallon water", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that when used as directed, it would act as an effective disinfectant for farm dairy utensils; that it could be relied upon to keep drinking water continuously free from infection; that it would disinfect poultry houses and utensils; that it would act as a sterilizing agent and would disinfect when used in the home; whereas when used as directed, it would not act as an effective disinfectant for farm dairy utensils; could not be relied upon to keep drinking water continuously free from infection; would not disinfect poultry houses and utensils; and would not act as a sterilizing agent and would not disinfect when used in the home.

On March 23, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

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